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09/929,184	08/14/2001	Scot D. Wilce	G08.002	1214
28062 7590 07/20/2009 BUCKLEY, MASCHOFF & TALWALKAR LLC 50 LOCUST AVENUE NEW CANAAN, CT 06840				
EXAMINER LIVERSEDGE, JENNIFER L				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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1 UNITED STATES PATENT AND TRADEMARK OFFICE
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4 BEFORE THE BOARD OF PATENT APPEALS
5 AND INTERFERENCES
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7

8 *Ex parte* SCOT D. WILCE, VINCENT A. GEORGE, HIEN Q. NGUYEN,
9 DONNA L. CONTI, PATRICK E. HARRIS, and
10 DONNA M. MANSFIELD
11

12
13 Appeal 2008-004991
14 Application 09/929,184
15 Technology Center 3600
16

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18 Decided:¹ July 20, 2009
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20

21 *Before* MURRIEL E. CRAWFORD, HUBERT C. LORIN, and
22 BIBHU R. MOHANTY, *Administrative Patent Judges*.
23
24 CRAWFORD, *Administrative Patent Judge*.
25
26

27 DECISION ON APPEAL

3¹ The two-month time period for filing an appeal or commencing a civil
4 action, as recited in 37 C.F.R. § 1.304, begins to run from the decided date
5 shown on this page of the decision. The time period does not run from the
6 Mail Date (paper delivery) or Notification Date (electronic delivery).
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1 STATEMENT OF THE CASE

2 This is an appeal from the final rejection of claims 1 and 3-19². We
3have jurisdiction to review the case under 35 U.S.C. §§ 134 and 6.

4 The claimed invention is directed to systems and methods for
5facilitating generation and/or negotiation of an agreement document via an
6agreement modeling system (Abstract).

7 Claim 1, reproduced below, is further illustrative of the claimed
8subject matter.

9 1. A method for facilitating generation of an agreement
10 document associated with a financial transaction agreement
11 between a party and a counter-party, comprising:
12 receiving agreement information from a user associated
13 with the party, the agreement information including (i) a
14 counter-party communication address and (ii) information
15 about a financial product associated with the financial
16 transaction agreement;
17 determining an agreement scope, a document scope, and
18 a fact set scope;
19 placing the determined agreement scope, document
20 scope, and fact set scope in a scope stack;
21 evaluating the scope stack via an evaluation engine to
22 produce a result in accordance with a rule;
23 generating the agreement document in accordance with
24 the information about the financial product, a covered products
25 matrix, and the result; and
26 automatically transmitting the agreement document to the
27 counter-party via the counterparty communication address.
28

29 The references of record relied upon by the Examiner as evidence of
30obviousness are:

13³ We have not considered the Supplemental Examiner's Answer mailed
14December 24, 2008; the Amendment/Response filed April 20, 2009; or the
15Final Rejection mailed July 6, 2009, as they were all mailed subsequent to
16the issuance of a Docketing Notice mailed August 6, 2008.

1 Blackman US 2002/0087534 A1 Jul. 4, 2002
2 Axelrad US 2002/0188539 A1 Dec. 12, 2002
3

4 Srinivasan, Sriram *Advanced Perl Programming* 1997 from Google
5books (hereinafter “Perl”).
6

7 Claims 1 and 3-19 stand rejected under 35 U.S.C. § 103 as
8unpatentable over Blackman in view of Axelrad and Perl.
9

10 OPINION

11 We have carefully reviewed the rejections on appeal in light of the
12arguments of the Appellants and the Examiner. As a result of this review,
13we have reached the conclusion that the applied prior art does not establish
14the prima facie obviousness of the claimed subject matter. Therefore the
15rejections on appeal are reversed. Our reasons follow.

16 The following comprise our finding of facts with respect to the scope
17and content of the prior art. Perl discloses a scope stack that is used to
18remember positions along the save stack that correspond to different scopes
19(analogous to the markstack providing bookmarks for the argument stack).
20When the scope ends, Perl knows exactly how many objects to pop off the
21save stack and restores them to their former values (p. 3, ll. 36-41). As
22supplemental information, the Computer Dictionary, 2nd edition (hereinafter
23“Computer Dictionary”) discloses that a microprocessor, program, and
24operating system can all maintain one or more separate stacks.

25 The disagreement between the Appellants and the Examiner is with
26respect to whether Perl discloses evaluating the scope stack via an evaluation
27engine to produce a result in accordance with a rule, as recited in
28independent claims 1, 16, and 19 (App. Br. 7-8; Examiner’s Ans. 10-12).

1The Examiner asserts that Perl, supplemented by the Computer Dictionary,
2discloses that a microprocessor, program, and operating system maintains
3the scope stacks, and thus that the microprocessor, program, and operating
4system correspond to the recited evaluation engine (Examiner's Ans. 10-12).
5However, the microprocessor, program, and operating system cannot
6correspond to the claimed evaluation engine, as the Examiner has not shown
7how the microprocessor, program, and operating system evaluate the scope
8stack. While the Examiner asserts that "scope stacks are used 'behind the
9scenes' in computer functioning to evaluate variables and produce a result in
10accordance with programming and processing rules," the Examiner has not
11provided any support for such an assertion in either Perl or the Computer
12Dictionary. Indeed, Perl and the Computer Dictionary appear to merely
13disclose that the scope stack stores virtual bookmarks, without any
14evaluation of virtual bookmark information, or any other information, stored
15in the scope stack. Storage is not evaluation in this case under any broadest
16reasonable interpretation.

17 Additionally, even if Perl and the Computer Dictionary were to
18disclose some sort of "evaluation" of the information in the scope stack, the
19Examiner has not shown how any such evaluation is performed to produce a
20result in accordance with a rule. Indeed, neither of the cited portions of Perl
21or the Computer Dictionary discloses any results or rules pertaining to the
22information stored in the scope stack. Accordingly, because the Examiner
23has not established a proper case of *prima facie* obviousness for independent
24claims 1, 16, and 19, we are constrained to reverse all rejections on appeal.

25

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CONCLUSION AND ORDER

26Appeal 2008-004991
27Application 09/929,184
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1 The rejection of claims 1 and 3-19 is reversed.

2 REVERSED

3JRG

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